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6 Attorneys for Defendant  
KELLER WILLIAMS REALTY, INC.

\*E-FILED - 2/12/09\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Gordon & Rees LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

11 STEVE TRACHSEL, an individual, SUN CITY ) CASE NO. C08-2248 RMW  
12 TOWERS, LLC, a California corporation, THOMAS ) [Assigned Judge: Hon. Ronald Whyte]  
13 CIRRITO, and individual, ATOCHA LAND, LLC, )  
14 a Delaware limited liability company, MICHAEL )  
CIRRITO, and individual, and CIRRITO )  
HOLDINGS, LLC, a Delaware limited liability )  
company, )  
15 Plaintiffs, )  
16 vs. )  
17 RONALD BUCHHOLZ, CHARICE FISCHER, )  
18 RDB DEVELOPMENT, LLC, a Nevada limited )  
liability company, SOLOMON CAPITAL, LLC, a )  
Nevada limited liability company, JONATHON )  
VENTO, GRACE CAPITAL, LLC, dba GRACE )  
COMMUNITIES, an Arizona limited liability )  
company, DONALD ZELEZNAK, Z-LOFT, LLC, )  
an Arizona limited liability company, ZELEZNAK )  
PROPERTY MANAGEMENT, LLC dba KELLER )  
WILLIAMS REALTY, INC., a Texas corporation, )  
and DOES 1-50, inclusive, )  
23 Defendants. )

IT IS HEREBY STIPULATED by and between Plaintiffs STEVE TRACHSEL, an individual, SUN CITY TOWERS, LLC, a California corporation, THOMAS CIRRITO, and individual, ATOCHA LAND, LLC, a Delaware limited liability company, MICHAEL CIRRITO, and individual, and CIRRITO HOLDINGS, LLC, a Delaware limited liability

1 company, and Defendant KELLER WILLIAMS REALTY, INC. by and through their respective  
2 counsel of record, that this matter be dismissed without prejudice pursuant to Federal Rule of  
3 Civil Procedure 41(a)(1); each party to bear its own fees, costs and attorneys fees.

4

5 DATED: \_\_\_\_\_, 2009

Attorneys for Plaintiffs STEVE TRACHSEL, et al.

6

7 By \_\_\_\_\_

Jesshill E. Love, III, Esq.  
Todd A. Roberts, Esq.  
ROPERS, MAJESKI, KOHN & BENTLEY

8

9

10 DATED: January 27, 2009

11 Attorneys for Defendant KELLER WILLIAMS  
12 REALTY, INC.

13 By \_\_\_\_\_

Dion N. Comino, Esq.  
Meagen E. Leary, Esq.  
GORDON & REES LLP

14

15 DATED: \_\_\_\_\_, 2009

16 Attorneys for Defendants JONATHAN VENTO;  
17 GRACE CAPITAL, LLC; ZELEZNAK  
18 PROPERTY MANAGEMENT LLC; DONALD  
ZELEZNAK;

19

20 By \_\_\_\_\_

Michael George Descalso, Esq.

21

22 DATED: \_\_\_\_\_, 2009

23 Attorneys for Defendants RDB DEVELOPMENT  
24 LLC; SOLOMON CAPITAL, INC.; CHARICE  
FISCHER; RONALD BUCHHOLZ

25 By \_\_\_\_\_

Andrew A. August, Esq.  
Kevin F. Rooney, Esq.  
William W. Schofield, Esq.  
THE PINNACLE LAW GROUP

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1 company, and Defendant KELLER WILLIAMS REALTY, INC. by and through their respective  
2 counsel of record, that this matter be dismissed without prejudice pursuant to Federal Rule of  
3 Civil Procedure 41(a)(1); each party to bear its own fees, costs and attorneys fees.

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5 DATED: 2/3, 2009

Attorneys for Plaintiffs STEVE TRACHSEL, et al.

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28

By

Jessiline Love, III, Esq.

Todd A. Roberts, Esq.

ROPER, MAJESKI, KOHN & BENTLEY

Attorneys for Defendant KELLER WILLIAMS  
REALTY, INC.

By

Dion N. Cominos, Esq.

Meagen E. Leary, Esq.

GORDON & REES LLP

Attorneys for Defendants JONATHAN VENTO;  
GRACE CAPITAL, LLC; ZELEZNAK  
PROPERTY MANAGEMENT LLC; DONALD  
ZELEZNAK;

By

Michael George Descalso, Esq.

Attorneys for Defendants RDB DEVELOPMENT  
LLC; SOLOMON CAPITAL, INC.; CHARICE  
FISCHER; RONALD BUCHHOLZ

By

Andrew A. August, Esq.

Kevin F. Rooney, Esq.

William W. Schofield, Esq.

THE PINNACLE LAW GROUP

1 company, and Defendant KELLER WILLIAMS REALTY, INC. by and through their respective  
2 counsel of record, that this matter be dismissed without prejudice pursuant to Federal Rule of  
3 Civil Procedure 41(a)(1); each party to bear its own fees, costs and attorneys fees.

4  
5 DATED: \_\_\_\_\_, 2009

Attorneys for Plaintiffs STEVE TRACHSEL, et al.

6  
7 By \_\_\_\_\_  
8 Jesshill E. Love, III, Esq.  
9 Todd A. Roberts, Esq.  
10 ROPERS, MAJESKI, KOHN & BENTLEY

11 DATED: January 27, 2009

12 Attorneys for Defendant KELLER WILLIAMS  
13 REALTY, INC.

14 By \_\_\_\_\_  
15 Dion N. Cominos, Esq.  
16 Meagen E. Lear, Esq.  
17 GORDON & REES LLP

18 DATED: 1/27, 2009

19 Attorneys for Defendants JONATHAN VENTO;  
20 GRACE CAPITAL, LLC; ZELEZNAK  
21 PROPERTY MANAGEMENT LLC; DONALD  
22 ZELEZNAK;

23 By \_\_\_\_\_  
24 Michael George Descalso, Esq.

25 DATED: \_\_\_\_\_, 2009

26 Attorneys for Defendants RDB DEVELOPMENT  
27 LLC; SOLOMON CAPITAL, INC.; CHARICE  
28 FISCHER; RONALD BUCHHOLZ

By \_\_\_\_\_

Andrew A. August, Esq.  
Kevin F. Rooney, Esq.  
William W. Schofield, Esq.  
THE PINNACLE LAW GROUP

1                   ORDER  
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PURSUANT TO STIPULATION, IT IS SO ORDERED that this matter is dismissed,  
without prejudice.

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5                   DATED: 2/12/09  
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*Ronald M. Whyte*  
UNITED STATES DISTRICT JUDGE

Gordon & Rees LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

1 : Steve Trachsel, et al. v. Ronald Buchholz, et al.  
2 United States District Court Northern District of California, San Jose Division  
2 Case No. No. C08 02248

3 **PROOF OF SERVICE**

4 I am a citizen of the United States. My business address is 275 Battery Street, Suite  
5 2000, San Francisco, CA, 94111. I am employed in the City and County of San Francisco where  
this service occurs. I am over the age of 18 years and not a party to the within action.

6 On February 3, 2009, following ordinary business practice, I served a true copy of the  
7 foregoing document(s) described as:

8 **STIPULATION AND [PROPOSED] ORDER TO DISMISS WITHOUT PREJUDICE**

9  **BY (CM/ECF) ELECTRONIC CASE FILE SYSTEM:** with the United States  
10 District Court, Northern District, to all parties listed on the court's proof of electronic  
service.

11  **BY FACSIMILE:** by transmitting by facsimile to the number(s) listed above to the  
12 fax number(s) set forth below, or as stated on the attached service list, on this date  
before 5:00 p.m.

13  **PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand this date  
to the offices of the addressee(s).

14  **MAIL:** I caused such envelope(s) with postage thereon fully prepaid to be placed in  
the United States mail at Sacramento, California to the offices of the addressee(s)  
15 listed below:

16  **OVERNIGHT DELIVERY:** I caused such envelope(s) to be delivered to an  
overnight delivery carrier with delivery fees provided for, addressed to the person(s)  
on whom it is to be served.

17  
18 I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct.

19 Executed on February 3, 2009 at San Francisco, California.

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22 Dina Cordero